

REGULATION 2

NEVADA GAMING COMMISSION AND STATE GAMING CONTROL BOARD: ORGANIZATION AND ADMINISTRATION; GAMING POLICY COMMITTEE

- 2.010 Definitions.
- 2.020 Delegation to chairman.
- 2.030 Commission meetings.
- 2.040 Appearances.
- 2.050 Recessed meetings.
- 2.060 Investigative hearings.
- 2.070 Service of notices in general.
- 2.080 Subpoenas.
- 2.090 Improper attempts to obtain information.
- 2.100 Appointment of committees.
- 2.110 Employment and termination of board employees.
- 2.120 Procedure for control of evidence and destruction of cheating devices.

2.010 Definitions.

1. "Chairman" means the chairman of the Nevada gaming commission or his designee.
2. "Executive secretary" means that person appointed pursuant to NRS 463.085.
3. "Meeting" means the gathering of members of the board or commission at which a quorum is present, for the purpose of deliberating toward a decision or making a decision. The term includes, but is not limited to, the consideration of license applications, transfers of interest, claims for tax refunds, petitions for redetermination, disciplinary proceedings, and exclusion list proceedings.

(Adopted: 7/90.)

2.020 Delegation to chairman.

1. The commission hereby delegates to the chairman the authority to issue preliminary rulings on scheduling, procedural, and evidentiary matters, and other matters provided by these regulations, that may be presented to the commission during the course of conducting a meeting, or that may arise when the commission is not meeting.
2. The commission may, upon a majority vote in a specific case, temporarily abrogate the general delegation granted pursuant to subsection 1 of this section.
3. Any specific ruling or decision of the chairman pursuant to subsection 1 of this section is subject to consideration by the entire commission upon the request of any commissioner, or upon timely motion of a person affected by the ruling or decision.
4. The commission shall be deemed to have ratified an action of the chairman taken pursuant to subsection 1, under the following circumstances:
 - (a) If the chairman's action occurred during a commission meeting, the chairman's action is ratified if the commission does not overturn or address the action at that meeting.
 - (b) If the chairman's action occurred at a time other than during a meeting, if the commission does not overturn or address the chairman's action at the next meeting concerning that particular matter.
5. The chairman may sign all orders on behalf of the commission.
6. Where the commission is a party to civil litigation, the chairman may give guidance regarding the course of the litigation to the attorney for the commission.

(Adopted: 7/90.)

2.030 Commission meetings.

1. Except as otherwise specifically provided by these regulations, any member of the commission may place an item on a commission agenda for consideration by the entire commission.
2. The chairman may alter the order in which matters on the commission agenda are heard.
3. Requests for special and recessed meetings will be granted only upon a showing of exceptional circumstances. The commission may require that a person requesting a special or recessed meeting pay the costs associated with such meeting, in addition to those costs usually assessed against an applicant.

4. In the absence or incapacity of the chairman, the vice-chairman may call a special meeting. In the absence or incapacity of both, any two members of the commission may call a special meeting.

5. Unless otherwise ordered by the chairman, requests for continuances of any matter on the commission agenda must be in writing, must set forth in detail the reasons a continuance is necessary, and must be received by the executive secretary no later than eight calendar days before the meeting.

6. Unless otherwise ordered by the chairman, the original and eight copies of any documentation supplementing an application as required by the board must be received by the executive secretary no later than eight calendar days before the meeting. Documentation not timely received will not be considered by the commission unless the commission, in its discretion, otherwise consents. The chairman may defer to another meeting any matter with respect to which documentation has not been timely submitted. The applicant and its enrolled attorney or agent, if any, must appear at the meeting to which the matter is deferred, unless the chairman waives their appearances.

(Adopted: 7/90.)

2.040 Appearances.

1. Except as provided in subsection 2 or unless an appearance is waived by the chairman, all persons, and their enrolled attorneys and agents, if any, must appear at the commission meeting at which their matter is to be heard. Requests for waivers of appearances must be in writing, must be received by the executive secretary no later than eight business days before the meeting, and must explain in detail the reasons for requesting the waiver. If at the time of its meeting the commission has any questions of an applicant who has been granted a waiver and is not present, the matter may be deferred to another meeting of the commission.

2. Unless the chairman of the board or the commission otherwise instructs, the following persons, and their enrolled attorneys and agents, are hereby granted a waiver of appearance for the commission meeting:

(a) Restricted applicants who have received a unanimous recommendation of approval from the board;

(b) Regulation 8.020 transferors, if they have complied with all conditions recommended by the board, such as timely submitting diagrams and other documents prior to the commission meeting; and

(c) Licensees and board counsel on stipulations between the licensees and the board, where the stipulations fully resolve petitions for redeterminations or claims for refunds.

3. Where the commission is to consider a stipulation between the board and a licensee settling a disciplinary action and revoking, suspending or conditioning a license, the licensee shall be prepared to respond on the record to questions regarding the terms of the stipulation and the licensee's voluntariness in entering into the stipulation.

(Adopted: 7/90.)

2.050 Recessed meetings. Any meeting of the commission or the board may be recessed to consider matters which were duly noticed as items on the agenda of that meeting, to such time and place as the commission or the board may designate. Notice of a recessed meeting to consider matters which were duly noticed as items on the agenda may be given by announcement at the meeting, but where any other matters are to be considered at a recessed meeting, such matters must be duly noticed as required by Regulation 2.070 of these regulations or as otherwise required by statute or by these regulations.

(Amended: 10/82.)

2.060 Investigative hearings.

1. Investigative hearings may be conducted by one or more members of the commission with the concurrence of a majority of the commission without notice at such times and places, within or without the State of Nevada, as the member or members may deem convenient.

2. Investigative hearings may be conducted by one or more members of the board with the concurrence of a majority of the board without notice at such times and places, within or without the State of Nevada, as the member or members may deem convenient.

2.070 Service of notices in general.

1. Except as otherwise provided by law or in these regulations, notices and other communications will be sent to an applicant or licensee by ordinary mail at the address of the establishment as shown in the application or license.

2. Notices shall be deemed to have been served upon their deposit, postage prepaid, in the United States mail, and the time specified in any such notice shall commence to run from the date of such mailing.

3. Any applicant or licensee who desires to have notices or other communications mailed to an address other than that of the establishment as specified in the application or license shall file with the commission and the board a specific request for that purpose, and notices and other communications will, in such case, be sent to the applicant or licensee at such address.

4. An applicant or licensee will be addressed under the name or style designated in the application or license, and separate notices or communications will not be sent to individuals named in such application or license unless a specific request for that purpose is filed with the commission and the board.

(a) In the absence of such specific request, a notice addressed under the name or style designated in the application or license shall be deemed to be notice to all individuals named in such application or license.

5. Applicants and licensees shall immediately notify the commission and the board of any change of address, and specifically request that all communications be sent to the changed address.

(Amended: 10/82.)

2.080 Subpoenas. The commission hereby delegates to the executive secretary the authority to issue subpoenas and subpoenas duces tecum as provided by these regulations. In the absence of the executive secretary, the chairman may designate another person to issue such subpoenas.

(Adopted: 7/90.)

2.090 Improper attempts to obtain information. No applicant, licensee or enrolled person shall, directly or indirectly, procure or attempt to procure from the records of the commission or the board or other sources information of any kind which is not made available by proper authority.

2.100 Appointment of committees. The chairman may at his discretion appoint committees to study and report to the board or the commission any matter appropriate to the commission's administration of the Gaming Control Act or these regulations.

(Adopted: 7/90.)

2.110 Employment and termination of board employees.

1. The commission and board declare that pursuant to NRS 463.080(6), a comprehensive plan governing employment and retention or discharge of employees to assure that termination or other adverse action is not taken against such employees except for cause, and provisions for hearings in personnel matters and for review of adverse actions taken in such matters, is hereby established and set forth in the board's personnel manual.

2. The personnel manual articulates board and commission policies and procedures in the following areas of personnel administration: Position classification; compensation administration; employment procedures and laws and rules applicable thereto; employee performance evaluation, which encompasses performance standards; employee grievance; corrective and disciplinary action; separation from state service; and rule adoption, amendment, or repeal.

3. Board or commission employees who are within the state classified service shall be governed by the provisions of the personnel manual only as to matters involving termination; all other matters pertaining to a classified employee shall be governed by the rules and regulations of the division of state personnel.

4. With the approval of the commission, the personnel manual may be modified from time to time to better accomplish the objectives of the gaming policy of the State of Nevada.

(Adopted: 1/74. Amended: 6/80.)

2.120 Procedure for control of evidence and destruction of cheating devices.

1. When an agent of the board seizes any article of property, the custodian of evidence for the board shall place the evidence in a secure facility and enter in a suitable system sufficient information to establish a chain of custody. A failure to comply with this subsection shall not render evidence inadmissible in any proceeding before the board or commission.

2. Any article of property which constitutes a cheating device shall not be returned to a claimant. All cheating devices shall become the property of the board upon their seizure and may periodically be disposed of by the board. When disposing of a cheating device, the board shall document the date and manner of its disposal.

3. The board shall notify by first class mail each known claimant of a cheating device that he has 60 days from the mailing of notice within which to file a written claim to contest its depiction as a cheating device.

4. Failure to timely file a written claim as provided in subsection 3 constitutes an admission by all claimants that the article of property is subject to destruction. The chairman of the board shall have complete and absolute authority to rule on a claim filed pursuant to subsection 3. After expiration of the 60-day period, the board may retain or dispose of the cheating device in any reasonable manner.

(Adopted: 12/90.)

End – Regulation 2